

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CASE NO. 5:10CV22**

NATIONAL APARTMENT  
ASSOCIATION, INC.,

Plaintiff,

v.

MOSTELLER MANSION, LLC,  
ET AL,

Defendants.

**ORDER**

**THIS MATTER** is before the Court sua sponte concerning Plaintiff's failure to prosecute its claim.

On February 26, 2010, National Apartment Association, Inc., Plaintiff, filed its Complaint against Mosteller Mansion, LLC, et al, Defendants. Defendants' Answers were due on June 2, 2010. No answer or response has been filed by the Defendants. Since May 3, 2010, there has been no activity in this case.

"The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (upholding, in the face of a due process challenge, the practice of dismissing an action, without notice and an opportunity to be heard, for want of prosecution). The Court, declining to dismiss immediately this case in the absence of notice that dismissal is contemplated, here provides Plaintiff with such notice. Plaintiff has two weeks from the date this Order is filed to submit a status report or

motion for entry of default/default judgment. Should Plaintiff fail to comply with this directive, this case will be dismissed with prejudice.

This the 15<sup>th</sup> day of November, 2012.

By Direction: s/Susan M. Johnson  
Richard L. Voorhees  
U. S. District Judge